

## 1. Election of Species

A. The Examiner identified ten (10) embodiments in making the election of species requirement. However, in the analysis that follows the applicant points out that the application only includes two main embodiments.

### Group I:

Figures 1 – 4 and Figures 9 – 12 are directed to a protective device that includes an end-of-life (EOL) indicator 406. In particular, the schematic shown in Figure 1 differs from the schematic shown in Figure 4 by its implementation of the EOL indicator 406 circuit. The schematics of Figure 9, 10, and 11 also implement the EOL indicator 406 in a different manner. As noted in page 16 of the specification, Figure 12 is an alternate version of Figure 11. Note also that the specification describes Figure 13 as a generalized version of Figure 1. In other words, the protective circuit shown in Figure 13 may be a GFCI and/or an AFCI. Finally, Figure 14 is an example of a front cover that may be used with a protective device that includes an EOL indicator (See reference numeral 1200).

The Applicants respectfully point out that for any restriction or election of species to be valid, the subject matter of the various embodiments must be independent and distinct. In this case, the subject matter of Figures 1 – 4 and Figures 9 – 12 are neither independent nor distinct. In general, the term “independent” means that there is no disclosed relationship between the two or more subjects disclosed. The term “distinct” means that the various embodiments are, for example, capable of separate use. See MPEP 802.01. In this case, the subject matter of Figures 1 – 4 and Figures 9 – 12 is directed to a protective device having an EOL indication means.

### Group II:

On the other hand, Figures 5 – 8 are directed to a protective wiring device that includes an EOL lockout mechanism, in addition to an EOL indicator.

In accordance with the Election of Species requirement, the applicants are required to identify each species disclosed in the instant application. Applicants respectfully argue that if there is any genus/species relationship present in the instant application, the species should be identified in the manner described above, i.e., Group I (Figures 1 – 4, 9 – 14) and Group II (Figures 5 – 8).

B. The Election of Species requirement requires the applicants to list all of the claims readable on each Species.

Group I is directed to Figures 1 – 4, 9 – 14, with claims 1 – 34, 36 – 38, and 40 being readable thereon.

Group II is directed to Figures 5 – 8, with claims 35, 39, and 41 – 44 being readable thereon.

C. The Applicants elect Group I with traverse. Accordingly, the Applicants respectfully request that the Examiner examine claims 1 – 34, 36 – 38, and 40 which are readable upon Group I.

## 2. Conclusion

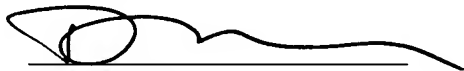
Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-1546.

Please direct any questions or comments to Daniel P. Malley at (607) 330-4010.

Respectfully submitted,

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